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the plaintiff's right. *McCabe v. Goodfellow*, 133 N. Y. 89. Had the association been for purposes of business or profit, the members would have been liable as partners. *McKenney v. Bowie*, 94 Me. 397. But associations for social or political purposes are not partnerships. *Lewis v. Tilton*, 64 Ia. 220; *Fleming v. Hector*, 2 M. & W. 172. The liability of the members, therefore, depends on the laws of agency. *Ash v. Guie*, 97 Pa. St. 493. It is an established rule of law that an agent of a non-commercial business has not implied authority to borrow money. *Temple v. Pomroy*, 70 Mass. 128. It follows, naturally, that an agent of a voluntary association for other than business purposes has not such an implied authority. *McCabe v. Goodfellow, supra*. The national convention for the same reason had not authority to borrow. Therefore it had not authority to ratify. *Crum's Appeal*, 66 Pa. St. 474. Furthermore, since the members had no opportunity to repudiate the committee's action, their subsequent silence was not such an acquiescence as amounts to a ratification. See *Rudolph v. Southern Beneficial League*, 23 Abb. N. C. (N. Y.) 199, 208.

WATERS AND WATERCOURSES — NATURAL LAKES AND PONDS — DIVISION OF LAKE-BED AMONG ABUTTING OWNERS. — A and B owned adjoining pieces of land abutting on a lake. *Held*, that each owns the land under water in front of his premises to the "thread of the lake," which, where there is no outlet or inlet, passes through the centre of the lake along its longest diameter. *Calkins v. Hart*, 118 N. Y. Supp. 1049 (Sup. Ct.).

No rule, universally applicable, for the division of the beds of lakes has ever been devised. One suggestion is that lines should be drawn from the geographical centre of the lake to the outer boundaries of the lands of abutting owners. *Schei-fer v. Briegel*, 90 Minn. 125. But this method fails when applied to a lake of irregular shape. The principal case adopts the rule which is applied to non-navigable rivers, saying that deep bays should be treated in the same way as tributary streams. See 17 HARV. L. REV. 410. By this rule, if the lake happened to be nearly square, the owners on the short sides would get little or nothing. Owing to the fact that the shifting thread of a river remains the boundary between the opposite owners, any division of its bed can be only temporary. *Welles v. Bailey*, 55 Conn. 292. But there seems to be no reason why a lake-bed cannot be permanently divided and the lake still be retained as a boundary. The principle should be to give each abutting owner a share proportionate to the length of his shore line. See *Deerfield v. Arms*, 17 Pick. (Mass.) 41. But probably something in the nature of a partition proceeding would be necessary in each individual case. See *Jones v. Lee*, 77 Mich. 35.

WILLS — CONSTRUCTION — RULE IN WILD'S CASE. — A will left leasehold and real estate to the testator's wife for life and then to his three children, in certain shares, "and to the child or children of the three said children," with further provision for the contingency of any of the three children dying without issue. The first grandchild was born after the testator's death. *Held*, that the rule in Wild's Case does not apply, and that the share of each child is subject on his death to an executory limitation over to his children. *Re Jones; Lewis v. Lewis*, 128 L. T. 56 (Eng. Ch. D., Nov. 11, 1909).

In wills, the word "children" is ordinarily one of purchase. But by the rule in Wild's Case, a devise to A and his children, when A has no children, gives A an estate tail. *Clifford v. Koe*, 5 App. Cas. 447; *Parkman v. Bowdoin*, 1 Sumn. (U. S.) 359. For this construction, the date when there must be no children is that of making the will, not of the testator's death. *Seale v. Barter*, 2 B. & P. 485. But see 2 JARMAN, WILLS, 1242. The original object of the rule was to give effect to the evident intention of the testator to provide for unborn children, who, if not in being at the time of distribution, would otherwise be barred. See *Wild's Case*, 6 Coke 17. The formula has been followed, however, even where a statute makes all estates tail estates in fee simple. *Silliman v. Whitaker*, 119

N. C. 89. But it is not applied to bequests. *Audsley v. Horn*, 1 De G. F. & J. 226. But see *Heron v. Stokes*, 1 C. & L. 270. As the rule is one of construction only, it does not apply when the face of the will indicates, as in the principal case, an intention which it would defeat. *Grieve v. Grieve*, L. R. 4 Eq. 180; *Wilmot v. Betterton*, 76 L. T. N. S. 415. And the eminently sensible result here is directly supported by authority, including the actual decision in Wild's Case itself. *Wild's Case*, *supra*; *Audsley v. Horn*, *supra*.

## BOOK REVIEWS.

THE LAWS OF ENGLAND. By the Right Honorable the Earl of Halsbury and other lawyers. In about 20 volumes. London: Butterworth and Company; Philadelphia: Cromarty Law Book Company.

Vol. III. Bills of Sale to Carriage by Sea. 1908. pp. cxxxi, 578, 55.

Vol. IV. Carriers to Commutation of Tithes. 1908. pp. cxlviii, 614, 49.

Vol. VI. Compulsory Purchase of Land to Constitutional Law (part). 1909. pp. cxxxi, 499, 39.

Vol. VII. Constitutional Law (conclusion) to Coparcener. 1909. pp. clxvi, 544, 37.

Vol. VIII. Copyhold to County Courts. 1909. pp. cxxviii, 693, 42.

The publication of Vol. V has been delayed. The whole volume is devoted to Company Law, and the passage of the Companies (Consolidation) Act of 1908 rendered a delay advisable.

In reviewing the first two volumes of this great work it was said: "If the excellence of these two volumes is maintained in the subsequent volumes, the complete work will be a solid contribution to the Law of England, and of great practical utility to the lawyer and the judge." These five volumes, at least, fully maintain the excellent qualities of the first two, and give promise of good work to come.

Vol. III contains articles on Bills of Sale (78 pages), Bonds (26 pages), Boundaries, Fences and Party-Walls (43 pages), Building Contracts, Engineers and Architects (154 pages), Building Societies (80 pages), Burial and Cremation (175 pages).

Vol. IV includes articles on the whole more interesting to an American lawyer: Carriers (99 pages), Charities (256 pages), Choses in Action (44 pages), Clubs (33 pages), and Commons and Rights of Common (163 pages).

In Vol. VI are articles on Compulsory Purchase of Land and Compensation (175 pages), Conflict of Laws (131 pages), and the first part of the article on Constitutional Law (190 pages).

In Vol. VII the article on Constitutional Law is completed (277 pages, making in all 467 pages devoted to this subject), and the other articles in the volume are Contempt of Court, Attachment and Committal (46 pages), and Contract (214 pages).

Vol. VIII contains Copyholds (134 pages), Copyright and Literary Property (73 pages), Coroners (88 pages), Corporations (102 pages), and County Courts (288 pages). These articles, like those in the first two volumes, are written by men who are masters of their subjects, usually by lawyers who have a large share in administering the law about which they write. This gives the work a distinct air of authority.

Several of the articles are of special interest and value to American lawyers. The article on Carriers states clearly and very concisely the law of carriers of goods and passengers. A large part of it is devoted to the statutory regulations of carriers; but the excellent discussion of the Railway and Canal Traffic Act is of